

MESSAGE NO: 2176112 MESSAGE DATE: 06/24/1992

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-405

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/11/1985 TO 11/30/1986

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CELLULAR MOBILE TELEPHONES (CMT) AND
CMT SUBASSEMBLIES FROM JAPAN

MESSAGE NO: 2176112

DATE: 06 24 1992

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CASES: A - 588 - 405

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PERIOD COVERED: 06 11 1985 TO 11 30 1986

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: LIQUIDATION INSTRUCTIONS FOR CELLULAR MOBILE TELEPHONES
(CMT) AND CMT SUBASSEMBLIES FROM JAPAN

1. THE DEPARTMENT OF COMMERCE PREVIOUSLY ISSUED INSTRUCTIONS FOR ENTRIES OF CELLULAR MOBILE TELEPHONE (CMTs) SUBJECT TO THE ANTIDUMPING DUTY ORDER ON JAPANESE CMTs AND SUBASSEMBLIES (A-588-405) MADE BY NON-REVIEWED COMPANIES (I.E., FOR ENTRIES OF CMTs NOT MANUFACTURED BY MITSUBISHI ELECTRIC CORPORATION, FUJITSU, NIHON DENGYO, AND JAPAN RADIO CORPORATION) WITHIN THE JUNE 11, 1985 THROUGH NOVEMBER 30, 1986 PERIOD. DUE TO LITIGATION IN THE CASE, THESE INSTRUCTIONS ADVISED CUSTOMS

NOT TO LIQUIDATE ENTRIES OF SUBASSEMBLIES MANUFACTURED BY
NON-REVIEWED COMPANIES.

2. THE LITIGATION PROMPTING THIS ADVICE HAS BEEN COMPLETED.

THEREFORE, THE SUSPENSION OF ENTRIES OF JAPANESE CMTs AND
SUBASSEMBLIES SUBJECT TO THE ANTIDUMPING DUTY ORDER MADE
DURING THE JUNE 11, 1985 THROUGH NOVEMBER 30, 1986 PERIOD IS
NOW LIFTED. THEREFORE, IN ACCORDANCE WITH SECTION 353.22(E)
OF THE COMMERCE REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING
DUTIES AT RATES EQUAL TO THE CASH DEPOSIT OF, OR BOND FOR,
ESTIMATED ANTIDUMPING DUTIES REQUIRED AT THE TIME OF ENTRY.
THE RATES OF ESTIMATED ANTIDUMPING DUTIES FOR NON-REVIEWED
MANUFACTURERS WHICH WERE REQUIRED TO BE DEPOSITED DURING THE
JUNE 11, 1985 THORUGH NOVEMBER 30, 1986 PERIOD ARE AS
FOLLOWS:

OKI 06/11/85-12/18/85 18.51 PERCENT
(A-588-405-001) 12/19/85-11/30/86 9.72 PERCENT

HITACHI 06/11/85-12/18/85 20.90 PERCENT
(A-588-405-002) 12/19/85-11/30/85 2.99 PERCENT

TOSHIBA (A-588-405-003) EXCLUDED FROM ORDER

NEC CORP (A-588-405-005) 06/11/85-11/30/86 95.57 PERCENT

MATSUSHITA (A-588-405-006) 06/11/85-11/30/86 106.60 PERCENT

ALL OTHER FIRMS 06/11/85-12/18/85 32.77 PERCENT
(A-588-405-000) 12/19/85-11/30/86 57.81 PERCENT

3. THE ANTIDUMPING DUTY ORDER ON CMTs AND SUBASSEMBLIES FROM
JAPAN COVERS CMTs, CMT TRANSCEIVERS, CMT CONTROL UNITS AND
CERTAIN SUBASSEMBLIES THEREOF. SUBASSEMBLIES COVERED BY THE
ANTIDUMPING DUTY ORDER ARE DESCRIBED AS ANY COMPLETED OR
PARTIALLY COMPLETED CIRCUIT MODULE, THE VALUE OF WHICH IS
EQUAL TO OR GREATER THAN FIVE DOLLARS, AND WHICH ARE

DEDICATED FOR USE IN CMT TRANSCEIVERS OR CONTROL UNITS. THE TERM "DEDICATED EXCLUSIVELY FOR USE" ONLY ENCOMPASSES THOSE SUBASSEMBLIES THAT ARE SPECIFICALLY DESIGNED FOR USE IN CMTs, AND COULD NOT BE USED, ABSENT ALTERNATION, IN A NON-CMT DEVICE. EXAMPLES OF SUBASSEMBLIES WHICH MAY FALL WITHIN THIS DEFINITION ARE CIRCUIT MODULES CONTAINING ANY OF THE FOLLOWING CIRCUITRY OR COMBINATIONS THEREOF: AUDIO PROCESSING, SIGNAL PROCESSING (LOGIC), RF, ID, SYNTHESIZER, DUPLEXER, POWER SUPPLY, POWER AMPLIFICATION, TRANSMITTER AND EXCITER. THE PRESUMPTION IS THAT CMT SUBASSEMBLIES ARE COVERED BY THE ORDER UNLESS AN IMPORTER CAN PROVE OTHERWISE.

CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES WERE CLASSIFIED DURING THIS PERIOD UNDER TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED ITEM NUMBERS 685.28 AND 685.33.

4. THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT REQUIRE THAT INTEREST BE PAID ON OVERPAYMENTS OR UNDERPAYMENTS OF AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. SUCH INTEREST IS PAYABLE AT THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD. THE INTEREST (APPLICABLE IN INSTANCES ONLY WHERE AN INCORRECT AMOUNT WAS DEPOSITED) SHALL BE CALCULATED AT THAT RATE FROM THE DATE OF PAYMENT OF ESTIMATED DUTIES THROUGH THE DATE OF LIQUIDATION.
5. ENTRIES BETWEEN THE DATES OF THE PRELIMINARY DETERMINATION AND PUBLICATION OF THE ANTIDUMPING DUTY ORDER ARE NOT SUBJECT TO THE INTEREST PROVISIONS OF SECTION 778. THEREFORE, NO INTEREST SHOULD BE COLLECTED OR PAID ON ENTRIES OR WITHDRAWALS MADE BETWEEN JUNE 11, 1985 AND DECEMBER 18, 1985.
6. LIQUIDATION INSTRUCTIONS FOR ALL MANUFACTURERS FOR THIS PERIOD HAVE NOW BEEN ISSUED. LIQUIDATION INSTRUCTIONS FOR MANUFACTURERS INCLUDED IN THE REVIEW WERE INDIVIDUALLY PROVIDED.

7. WHENEVER THE USE OF THE ABOVE VALUES RESULTS IN THE

ASSESSMENT OF ANTIDUMPING DUTIES, YOU SHOULD REQUIRE OF THE IMPORTER PRIOR TO LIQUIDATION THE REIMBURSEMENT STATEMENT DESCRIBED IN SECTION 353.26 OF THE COMMERCE DEPARTMENT REGULATIONS. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES OR FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES DUE IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH BY E-MAIL TO ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT THE OFFICE OF COUNTERVAILING COMPLIANCE, IMPORT ADMINISTRATION DEPARTMENT OF COMMERCE, (202) 377-2786.
9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

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Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party